

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PATRISHA AND STEVEN SILLAVAN,
on behalf of their minor children C.S.,
B.S., and L.S.,

Plaintiffs,

v.

STATE OF WASHINGTON,
DEPARTMENT OF SOCIAL AND
HEALTH SERVICES, and KATHERINE
GRAFF,

Defendants.

No. CV17-1126-RAJ

ORDER

This matter comes before the Court on Defendants' Motion to Seal certain exhibits filed in support of Defendants' Partial Motion for Summary Judgment. Dkt. # 17.

Plaintiffs have not filed a Response. For the following reasons, the Court **GRANTS** Defendants' Motion. Dkt. # 17.

"There is a strong presumption of public access to the court's files." Western District of Washington Local Civil Rule ("LCR") 5(g). "Only in rare circumstances should a party file a motion, opposition, or reply under seal." LCR 5(g)(5). Normally the moving party must include "a specific statement of the applicable legal standard and the reasons for keeping a document under seal, with evidentiary support from declarations

1 where necessary.” LCR 5(g)(3)(B). However, pursuant to LCR 5(g), whichever party
2 designates a document confidential must provide a “specific statement of the applicable
3 legal standard and the reasons for keeping a document under seal, including an
4 explanation of: (i) the legitimate private or public interest that warrant the relief sought;
5 (ii) the injury that will result if the relief sought is not granted; and (iii) why a less
6 restrictive alternative to the relief sought is not sufficient.” LCR 5(g). A “good cause”
7 showing under Rule 26(c) will suffice to keep sealed records attached to non-dispositive
8 motions. *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006)
9 (internal citations omitted).

10 Defendants, in support of their Motion for Partial Summary Judgment (Dkt. # 14),
11 seek to file under seal a number of exhibits that contain sensitive information in relation
12 to an investigation into child sexual assault. Defendants’ Motion was originally filed
13 unsealed, but later sealed by the Court as it contained unredacted information of a minor
14 in violation of Local Rule 5.2, which was available on the public docket. *Id.* Defendants
15 later filed a redacted version of the exhibits. Dkt. # 31. Upon consideration of
16 Defendants’ Motion to Seal in this action, Plaintiffs’ lack of objection, and the record on
17 file in this case, the Court finds that the parties have demonstrated good cause to file the
18 indicated documents under seal. The Court has reviewed the documents and finds that
19 they contain private personal and medical information related to the extremely sensitive
20 topic of childhood sexual assault. Moreover, the documents contain a host of references
21 to the identity of minor children. The Court notes that per Local Rule 5.2, the names of
22 minor children were supposed to be redacted to the initials in the first instance. The
23 parties are again advised to carefully review this Court’s Local Rules and their
24 documents before making any filing on this Court’s public docket. However, the Court
25 ultimately finds the proposed redacted versions of the documents, currently filed on the
public docket at Dkt. # 31, to be reasonable.

1 Accordingly, it is hereby **ORDERED** that Defendants' Motion is **GRANTED**.
2 Dkt. # 17. Defendants may file the requested documents under seal, with public versions
3 where the relevant information is redacted, pending the outcome of this litigation, at
4 which time the Court may determine if the documents will be unsealed.

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6 Dated this 2nd day of November, 2018.

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10 The Honorable Richard A. Jones
11 United States District Judge
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